

REMARKS

Claims 1-83 remain pending in the present application. Claims 1, 3, 4, 6, 8, 18, 22, 23, 25, 37, 44, 52, 62, 66, 72 and 74 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

CLAIM OBJECTIONS

Claim 8 is objected to because of informalities. Claim 8 and the other similar dependent claims have been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-7, 9-12, 14-24, 26-29, 31-43, 45-62, 64-73, 75-78 and 80-83 are rejected under 35 U.S.C. § 102(b) as being anticipated by Herz, et al. (U.S. Pat. No. 5,754,939). Applicant respectfully traverses this rejection. Independent Claims 1 and 18 have been amended to define a method of distribution of an externally observable action. Independent Claim 37 has been amended to define a mobile station for utilizing a plurality of externally observable action and context description pairs. Independent Claim 52 has been amended to define a server for processing a plurality of externally observable action and context description pairs. Independent Claim 66 has been amended to define a system for distribution of an externally observable action and context pair. In addition, the above independent claims have been amended to define a number of potential users that may encounter the context condition that may satisfy the

context description and also checking the number of potential users that may encounter the context condition that may satisfy the content description to see if this number exceeds a limit.

Herz discloses a target object of interest (column 4, lines 36-51), not an externally observable action as defined by the amended claims. In addition, Herz discloses a profile of user likes/desires (column 4, lines 51-67), not a potential context of a mobile user as defined by the amended claims. Also, Herz avoids privacy disclosure by using a proxy (ambiguity in attributing an identification to a user). (Column 4, line 36 – Column 8, line 7). The present invention avoids ambiguity in attributing action to a user by ensuring the same context conditions may arise for multiple users or at least multiple context conditions may satisfy one context description (thereby creating ambiguity in attributing action to a user context). Thus, Herz is directed towards a totally different problem. Herz in column 5, lines 21-28; column 12, lines 3-51; and column 43, line 8 – column 45, line 7 discloses multiple user interests. The present invention discloses multiple potential users may encounter a single context. Finally, Herz discloses checking a user pseudonym (column 37, lines 40-60 and column 43, lines 31-38) and not whether the number of potential users that may encounter a context condition exceeds a limit.

Thus, Applicant believes independent Claims 1, 18, 37, 52 and 66, as amended, patentably distinguish over the art of record. Likewise, Claims 2-7, 9-12, 14-17, 19-24, 26-29, 31-36, 38-43, 45-51, 53-62, 64-, 65, 67-73, 75-78 and 80-83, which ultimately depend from one of these independent claims, are also believed to patentably

distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 8, 25, 44 and 74 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, et al. (U.S. Pat. No. 5,754,939). Claims 13, 30, 47, 63 and 79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Herz, et al. (U.S. Pat. No. 5,754,939) in view of Nagendran (U.S. Pat. No. 6,731,940). Claims 8, 13, 25, 30, 44, 47, 63, 74 and 79 are dependent claims which ultimately depend from one of Claims 1, 18, 37, 52 and 66. As stated above, Claims 1, 18, 37, 52 and 66 have been amended and are now believed to patentably distinguish over the art of record. Thus, Claims 8, 13, 25, 30, 44, 47, 63, 74 and 79 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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